



# PUBLIC NOTICE

Federal Communications Commission  
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DA 02-201

Released: January 25, 2002

## COMMISSION SEEKS COMMENT ON APPLICATIONS FOR CONSENT TO TRANSFER CONTROL OF LICENSES AND AUTHORIZATIONS HELD BY AFFILIATES OF CONESTOGA ENTERPRISES, INC. TO AFFILIATES OF D&E COMMUNICATIONS, INC.

### PLEADING CYCLE ESTABLISHED

WT Docket No. 02-11

**Comments/Petitions Due: February 25, 2002**

**Responses/Oppositions to Petitions Due: March 7, 2002**

On December 26, 27, and 28, 2001, The Conestoga Telephone and Telegraph Company, CEI Networks, Inc., Conestoga Enterprises, Inc., Buffalo Valley Telephone Company, Conestoga Mobile Systems, Inc., Conestoga Wireless, Inc., and D&E Acquisition Corp. (collectively, "Applicants") filed applications pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 214, 310(d), requesting Federal Communications Commission ("Commission") approval to transfer control to of Commission licenses and authorizations held directly or indirectly by Conestoga Enterprises, Inc. ("CEI") to provide domestic and international telecommunications services pursuant to parts 22, 24, 63, and 90 of the Commission's rules to D&E Communications, Inc. ("D&E"), the parent company of D&E Acquisition Corp.<sup>1</sup> Under the terms of the proposed transfer of control, each CEI shareholder will have the option to receive cash and/or D&E common stock for his or her CEI shares. The merger would be accomplished by merging CEI with D&E Acquisition Corp., a subsidiary of D&E.

D&E is a publicly traded company that, through its subsidiaries, provides service in south central Pennsylvania. D&E provides rural incumbent local exchange service, serving approximately 61,000 local access lines, and competitive local exchange service, serving approximately 7,000 local access lines. D&E

<sup>1</sup> See Application of Conestoga Wireless, Inc. and D&E Acquisition Corp. for Consent to Transfer Control, ULS File No. 0000709872 (filed Dec. 26, 2001); Application of Buffalo Valley Telephone Company and D&E Acquisition Corp. for Consent to Transfer Control, ULS File No. 0000709842 (filed Dec. 26, 2001); Application of The Conestoga Telephone & Telegraph Company and D&E Acquisition Corp. for Consent to Transfer Control, ULS File No. 0000709861 (filed Dec. 26, 2001); Application of The Conestoga Telephone & Telegraph Company and D&E Acquisition Corp. for Consent to Transfer Control, ULS File No. 0000709851 (filed Dec. 26, 2001); Application of CEI Networks, Inc. and D&E Acquisition Corp. for Consent to Transfer Control, ULS File No. 0000709866 (filed Dec. 26, 2001); Application of Conestoga Mobile Systems, Inc. and D&E Acquisition Corp. for Consent to Transfer Control, ULS File No. 0000715214 (filed Dec. 28, 2001); Application of Conestoga Enterprises, Inc. and D&E Acquisition Corp. for Consent to Transfer Domestic Blanket Section 214 Authority (filed Dec. 27, 2001); Application of Conestoga Enterprises, Inc. and D&E Acquisition Corp. for Consent to Transfer Global Resale Authority (filed Dec. 27, 2001).

also provides long distance, Internet access, and paging services. Currently, D&E also owns a fifty percent interest in D&E/Omnipoint Wireless Joint Venture, L.P., a PCS provider in the Harrisburg, York-Hanover, Lancaster, and Reading, Pennsylvania Basic Trading Areas. VoiceStream Wireless Corporation owns the remaining fifty percent of this joint venture.<sup>2</sup> CEI is a publicly traded corporation that provides services in southeastern and central Pennsylvania. Through its subsidiaries, CEI is a rural incumbent local exchange carrier, serving approximately 84,000 local access lines, and a competitive local exchange carrier, serving approximately 14,000 local access lines. CEI also provides long-distance, Internet access, paging and cable television services, as well as PCS. The Applicants state that the merger will promote the public interest and have no adverse effect upon competition in domestic telecommunications markets.

The applications for transfer of control listed below are a non-exhaustive list of the authorizations and license applications involved in this transaction. Interested parties should refer to the applications filed in WT Docket No. 02-11 for a complete listing of licenses and authorizations.

**TRANSFER OF CONTROL APPLICATIONS**

**SECTION 310 APPLICATIONS**

**Part 22 — Paging and Radiotelephone Service**

The following applications for consent to transfer control from Conestoga to D&E have been assigned the following file numbers.

<b><u>File Number</u></b>	<b><u>Licensee</u></b>	<b><u>Lead Call Sign</u></b>
0000709851	The Conestoga Telephone & Telegraph Company	KNKB667
0000715124	Conestoga Mobile Systems, Inc.	KUO634

**Part 24 – Personal Communications Services**

The following application for consent to transfer control from Conestoga to D&E has been assigned the following file number.

<b><u>File Number</u></b>	<b><u>Licensee</u></b>	<b><u>Lead Call Sign</u></b>
0000709872	Conestoga Wireless, Inc.	KNLG701

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<sup>2</sup> Applications are currently on file, however, for VoiceStream to purchase D&E’s fifty-percent interest in the joint venture. See ULS file Nos. 0000652750, 0000652917.

**Part 90 — Industrial/Business Radio Service**

The following application for consent to transfer control from Conestoga to D&E has been assigned the following file numbers.

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000709842	Buffalo Valley Telephone Company	WYX575
0000709861	The Conestoga Telephone & Telegraph Company	KD46646
0000709866	CEI Networks, Inc.	WPNA263

**STREAMLINED INTERNATIONAL SECTION 214 APPLICATIONS**

**Part 63—International Service (47 C.F.R. § 63.18)**

The application listed below for consent to transfer control to D&E of international section 214 authority held by Conestoga Networks, Inc., a subsidiary of CEI, has been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 63.12 of the Commission’s rules.<sup>3</sup> This application is for authority under section 214 of the Communications Act,<sup>4</sup> to transfer control of a section 214 authorization for international global resale, as specified below. This application is eligible for streamlined processing, and may be removed from streamlined processing only in the sound discretion of Commission staff. The filing of comments or of petitions to deny will not necessarily result in the application being deemed ineligible for streamlined processing.

Streamlined grant of this application is conditioned, however, upon Applicants' agreement not to transfer these authorizations unless and until the Commission grants the related domestic section 214 and wireless license transfer applications. Streamlined grant would in no way prejudice the outcome of the pending domestic section 214 and wireless transfer applications.

<u>File Number</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-T/C20011227-00655	Conestoga Networks, Inc.	ITC-214-19970707-00382

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<sup>3</sup> 47 C.F.R. § 63.12.

<sup>4</sup> 47 U.S.C. § 214.

## DOMESTIC SECTION 214 APPLICATION

### Part 63 – Domestic Service (47 C.F.R. § 63.01)

CEI and D&E have filed a joint application pursuant to section 214 for D&E to acquire and operate domestic transmission lines held by CEI and its subsidiaries.

### GENERAL INFORMATION

The transfer of control requests identified herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Final action will not be taken on the applications earlier than thirty-one days following the date of this Public Notice. Interested parties may file comments or petitions to deny on or before **February 25, 2002**. Oppositions or responses may be filed no later than **March 7, 2002**.

All filings concerning any or all matters in this Public Notice should refer to **WT Docket No. 02-11**. An original and 4 copies of all pleadings, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c), must be filed with the Commission's Acting Secretary, 445 12<sup>th</sup> Street, S.W., TW-B204, Washington, D.C. 20554. **In addition, one copy of each pleading must be sent to each of the following:**

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C., 20554; Office of Media Relations, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554;
- (2) Lauren Kravetz Patrich, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-B454, Washington, D.C. 20554;
- (3) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th St., S.W., Room 6-A739, Washington, D.C. 20554;
- (4) Brian O'Donnell, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12<sup>th</sup> Street, S.W., Room 3-C400 Washington, D.C. 20554;
- (5) Bill Dever, Policy and Programming Division, Common Carrier Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C266, Washington, D.C. 20554; and
- (6) Neil Dellar, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., Room 8-C818, Washington, D.C. 20554.

Copies of the application and any subsequently-filed documents in this matter may be obtained from Qualex International, in person at 445 12<sup>th</sup> Street, S.W., CY-B402, Washington, D.C. 20554, via telephone at (202) 863-2893, via facsimile at (202) 863-2898, or via e-mail at [qualexint@aol.com](mailto:qualexint@aol.com). The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: Office of Media Relations, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The application is

also available electronically through the Wireless Telecommunications Bureau's Universal Licensing System, which may be accessed on the Commission's Internet website.

In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

For further information, contact Lauren Kravetz Patrich, Commercial Wireless Division, Wireless Telecommunications Bureau at (202) 418-7240.